IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 15893 of 2001

Between:

1.Vangala Damodara Reddy S/o Subbareddy, 58 years;

2.Nagella Ramaiah S/o Nagaiah, 65 years;

3.Nagella Narayanasetty S/o Nagaiah, 70 years;

4.Nagella Venkataramanaiah S/o Ramanaiah, 40 years;

5.Boya Jayaramudu S/o Boya Tirupalu, 50 years

Sole L.R. of Original Awardee Boya Tirupalu;

6.Ambati Maheshwar Reddy S/o Nagireddi, 50 years;

Sole L.R. of Original Awardee Ambati Nagireddi;

7.Badam Balaiah S/o Narasimhaiah, 65 years;

8.Badam Seshaphani S/o Badam Subbaiah, 35 years;

Sole L.R. of Original Awardee Badam Subbaiah;

9.Syed Hussain Sab S/o Mabusab, 35 years;

10.Roshamma W/o Chinna Hussainaiah, 50 years

Sole L.R. of Original Awardee Chinna Hussainiah

(All are R/o. Biravolu village, Pagidala Mandal, Kurnool district)

..... PETITIONERS

AND

1.The State of Andhra Pradesh, rep. by its Secretary

Irrigation & C.A.D. A.P., Secretariat, Hyderabad

2.The Special Deputy Collector, Land Acquisition

Srisailam Project, Kurnool;

3.The Chairman, Legal Advisory Committee (Lok Adalat),Kurnool

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in not paying the total compensation to the petitioners as per G.O.Ms.No.234, Irrigation and CAD (I-Wing.T. & M-II) Department, dated 15.10.1993, issued by the Government of Andhra Pradesh in respect of the acquisition of the petitioners land, houses Kallam lands and house sites in Award Nos.8/75, 9/75, 10/75, 11/75, 12/75, 13/75, 14/75, 15/75, 20/75, 21/75, 25/75, 28/75, 50/78 and 3/79 of Biravolu lvillage, Pagidala Mandal, Kurnool District, as illegal, unconstitutional and void and consequently direct the respondents to pay entire compensation amount due to the petitioners as settled and cleared in Lok Adalat in the matters relating to the acquisition of their lands and houses in the aforesaid awards as per G.O.Ms.No.234, dated 15.10.1993 forthwith and further direct the respondents to pay the equitable compensation to the petitioners in addition to the settled compensation for the delay caused by the respondents in paying the amounts.

Counsel for the Petitioners: MR.K.V.CHALAPATHI RAO

Counsel for the Respondents: G.P. for Land Acquisition

The Court made the following:

ORDER:-

Heard both the learned counsel and at their request, the writ petition itself is taken up for disposal.

The main grievance of the petitioners is only in regard to non-payment of compensation awarded in respect of the land, which has been acquired by the respondents herein. This Court granted interim direction on 2-8-2001. Though several objections are sought to be raised in the counter-affidavit filed by on behalf of the respondents, however, having regard to the fact that the said decree in regard to the entitlement of the petitioners, including the quantum, has become final, there is no justification in stopping withdrawal of the said amount.

Accordingly, this writ petition is disposed of directing the respondents to make the payment of the said amount within a period of four weeks from today. No costs.

Sd/-

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Secretary, State of Andhra Pradesh,

Irrigation & C.A.D. A.P., Secretariat, Hyderabad

2.The Special Deputy Collector, Land Acquisition

Srisailam Project, Kurnool;

3.The Chairman, Legal Advisory Committee (Lok Adalat),Kurnool.

4.2CCs to G.P. for Land Acquisition, High Court Buildings

Hyderabad (OUT)

6.2CD copies

Form-NIC-OGS/WP{ }